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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/075,430 | 02/13/2002 | Jun Ogawa | FUJI 19,448 | 8740 |
| 7590 11/26/2004 Katten Muchin Zavis Rosenman 575 Madison Avenue New York, NY 10022-2585 | | | EXAMINER RYMAN, DANIEL J | |
| | | | ART UNIT 2665 | PAPER NUMBER |

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/075,430 | Applicant(s) OGAWA ET AL. | |
| | Examiner Daniel J. Ryman | Art Unit 2665 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/10/2004 have been fully considered but they are not persuasive. On pages 12-13 of the Response, Applicant states that the newly added limitation, namely that the virtual hierarchy number "identifies the network of the second type as a network of the first type subordinate to a router for routing the packet to the network of the first type," is designed to claim that the "IPv4 network is treated as a sub-network of the IPv6 network." Since this newly added limitation does not specify the routing relationship between the two types of networks, Examiner submits that the newly added limitation does not claim that the "IPv4 network is treated as a sub-network of the IPv6 network," as Applicant suggests.

2. The newly added limitation only requires that the virtual hierarchy number identifies the second type of network as a network of the first type and that the second type of network is subordinate to a router for routing the packet to the network of the first type. As disclosed in the Final Rejection and the rejection that follows, the purpose of the virtual hierarchy number is to enable packets on one network to traverse an incompatible network such that the two networks are treated as virtual extensions of one another. Thus, Examiner submits that virtual hierarchy number identifies the second type of network as a network of the first type.

3. In addition, as broadly defined, the second type of network is "subordinate" to the router. "Subordinate" is defined as "submissive to or controlled by authority." *Merriam-Webster's Collegiate Dictionary* (Frederick C. Mish et al. eds., 10th ed. 2001). Here, the router controls routing of packets in the network, such that the network is "subordinate" to the router. Thus,

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Examiner maintains the rejection of the amended claims as being rendered obvious by the combination of Hamamoto and Callon.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 15 and 16 disclose that the second routing information is written in a grouping. The specification discloses that the second routing information is written without a grouping (page 17, lines 20-26). Since Examiner is unsure of how to interpret these claims, Examiner will not interpret the claims for the purposes of prior art rejections.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamoto et al (USPN 6,038,233) in view of Callon et al (USPN 5,251,205).

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8. Regarding claims 1 and 7, Hamamoto discloses a routing control method and apparatus in a mixed environment of a network of a first type (IPv6) and a network of a second type (IPv4), respectively defined by first and second address spaces (Figs. 1, 11A, and 11B and col. 1, line 17-col. 3, line 27), the first and second address spaces each having network-identifying and host-identifying portions (Figs. 1, 11A, and 11B and col. 1, line 17-col. 3, line 27) where it is implicit that the address spaces have network and host identifying portions, wherein the network of the first type provides routing control by referencing a subset of address bits of the network-identifying portion of the first address space, and the network of the second type provides routing control by referencing an entirety of address bits of the network-identifying portion of the second address space (Figs. 1, 11A, and 11B and col. 1, line 17-col. 3, line 27) where it is implicit that IPv6 routes according to a subset of network identifying bits while IPv4 routes according to all network-identifying bits as defined by Applicant, comprising the steps of and means for: formatting the address space of a packet in the network of the second type as an address space of a packet in the network of the first type (Figs. 12A and 12B and col. 2, line 41-col. 3, line 27) by attaching a virtual hierarchy number (hierarchy address space is filled with nulls) to a packet to be relayed at the router when the packet is to be relayed between the network of the second type and the network of the first type (Figs. 12A and 12B and col. 2, line 41-col. 3, line 27) and removing the virtual hierarchy number from the packet to be relayed at the router when the packet is to be relayed between the network of the first type and a network of the second type (Figs. 12A and 12B and col. 2, line 41-col. 3, line 27). Hamamoto does not expressly disclose assigning the network of the second type a virtual hierarchy number that corresponds to the subset of address bits of the network-identifying portion of the first address

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space and identifies the network of the second type as a network of the first type subordinate to a router for routing the packet to the network of the first type. Callon teaches as prior art that it is well known to assign a network of a second type a virtual hierarchy number (encapsulation) that corresponds to the subset of address bits of the network-identifying portion of a first address space and identifies the network of the second type as a network of the first type subordinate to a router for routing the packet to the network of the first type for performing routing control by the virtual hierarchy number within the network of the first type (col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41) where, as broadly defined, the network is "subordinate" to the router since the router controls routing of packets in the network. It would have been obvious to one of ordinary skill in the art at the time of the invention to assign the network of the second type a virtual hierarchy number that corresponds to the subset of address bits of the network-identifying portion of the first address space and identifies a portion of the network of the first type at which the network of the second type is interfaced via a router and to perform routing control by the virtual hierarchy number within the network of the first type in order to allow a packet of one protocol type to be transmitted over a network using another protocol type.

9. Regarding claims 2 and 8, referring to claims 1 and 7, Hamamoto in view of Callon discloses that an address of the network of the second type is accommodated in an interface identification information block of an address format of the network of the first type (Hamamoto: Figs. 12A and 12B and col. 2, line 41-col. 3, line 27). Hamamoto in view of Callon suggests that the virtual hierarchy number is accommodated in a hierarchy information block of the address format of the network of the first type for said routing control within the network of the first type (Hamamoto: Figs. 1, 11A, 11B, 12A, and 12B and col. 1, line 17-col. 3, line 27 and Callon: col.

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1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41). Hamamoto discloses that the IPv4 address is turned into an IPv6 address by inserting the IPv4 address into a nulled IPv6 address (Figs. 1, 11A, 11B, 12A, and 12B and col. 1, line 17-col. 3, line 27). Callon discloses attaching routing information pertaining to a first network to a packet destined from a second network to the first network in order to allow the packet to be properly routed in the first network (Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41). By inserting the routing information for the IPv6 network into the nulled packet containing the IPv4 address instead of encapsulating the nulled IPv6-compatible-IPv4 with another IPv6 header, the IPv6-compatible-IPv4 packet will be formatted for routing in the IPv6 network, as Callon teaches, while using less bandwidth than would be required for encapsulation. It would have been obvious to one of ordinary skill in the art at the time of the invention to accommodate the virtual hierarchy number in a hierarchy information block of the address format of the network of the first type for said routing control within the network of the first type in order to conserve bandwidth.

10. Regarding claims 3 and 9, referring to claims 2 and 8, Hamamoto in view of Callon suggests that each of one or more routers of the network of the first type comprises a first routing table that performs said routing control by using only the hierarchical information block as a key (Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41) where Callon discloses that routing in the first network is performed using the network information in the packet pertaining to the first network, and a second routing table that performs routing control by using the hierarchical information block and the interface identification information block as keys (Hamamoto: Figs. 1, 11A, 11B, 12A, and 12B and col. 1, line 17-col. 3, line 27 and Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41) where gateways between the two networks

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would also need to use the routing information pertaining to the second network in order to properly route a packet.

11. Regarding claims 4 and 10, referring to claims 3 and 9, Hamamoto in view of Callon discloses that each of the one or more routers of the network of the first type uses the first routing table when relaying a packet between the network of the first type and another network of the first type (Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41).

12. Regarding claims 5 and 11, referring to claims 3 and 9, Hamamoto in view of Callon discloses that each of the one or more routers of the network of the first type uses the second routing table when relaying a packet from the network of the first type to the network of the second type, and from the network of the second type to the network of the first type (Hamamoto: Figs. 1, 11A, 11B, 12A, and 12B and col. 1, line 17-col. 3, line 27 and Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41).

13. Regarding claims 6 and 12, referring to claims 5 and 11, Hamamoto in view of Callon discloses that the router interfacing the network of the first type with the network of the second type recognizes a packet relay from the network of the second type to the network of the first type, and from the network of the first type to the network of the second type, by using a receiving interface name and a transmission interface name when relaying the packet (Hamamoto: Figs. 1, 11A, 11B, 12A, and 12B and col. 1, line 17-col. 3, line 27 and Callon: col. 1, lines 5-50; col. 2, lines 15-41; col. 3, lines 13-41).

14. Regarding claims 13 and 14, referring to claims 1 and 7, Hamamoto in view of Callon discloses that the network of the first type is an IPv6 network, and the network of the second type is an IPv4 network (Hamamoto: col. 1, line 17-col. 3, line 27).

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Perlman et al (USPN 5,557,745) see col. 5, lines 40-62 which detail encapsulating a packet to be routed over a "foreign protocol." Templin (PG Pub 2001/0040895) see entire document which pertains to IPv4-IPv6 compatibility. Krishnan (USPN 6,157,950) see Fig. 4; col. 3, line 17-col. 6, line 67; and col. 7, line 53-col. 8, line 24 which discloses how hierarchical routing is performed and the logical structure of IP addresses. Perlman et al (USPN 6,094,525) see entire document which pertains to network addressing arrangement for backward compatible routing of an expanded address space. Hinchey et al (USPN 5,999,541) see entire document which pertains to stripping the header of a packet conforming to a first protocol and attaching to the packet a header conforming to a second protocol in order to allow a packet conforming to the first protocol to be transmitted over a network conforming to the second protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Daniel J. Ryman
Examiner
Art Unit 2665


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